

## INITIATIVE 642

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 642 to the People is a true and correct copy as it was received by this office.

1       AN ACT Relating to education; adding a new chapter to Title 28A  
2       RCW; creating new sections; and prescribing penalties.

3       BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

4       NEW SECTION.     **Sec. 1.**     PURPOSE.     The people of the state of  
5       Washington have proposed and enacted this initiative for the following  
6       reasons:

7       (1) The Constitution of the state of Washington designates the  
8       education of children as the paramount duty of state government, but  
9       does not require that public education be provided through a system of  
10      government-operated monopolies;

11      (2) The relationship between child and teacher should be one of the  
12      most important relationships in the development of the child into a  
13      successful adult, and thus, like the relationship between child and  
14      parent, should usually be free of government interference;

15      (3) The current system of government-operated, monopoly-based  
16      public education:

17      (a) Unjustifiably disrupts crucial child/teacher relationships,  
18      child/parent relationships, and teacher/parent relationships;

(b) Fails to educate properly a large percentage of its students, particularly those living in large urban areas;

(c) Stifles creativity, community, and productivity; and

(d) Wastes taxpayer money; and

(4) It is unrealistic to expect the current system of government-operated, monopoly-based public education to reform itself properly unless the people invoke their constitutional power to enact laws directly through the initiative process.

NEW SECTION.    **Sec. 2.**    SHORT TITLE.    Chapter . . . , Laws of 1995 (this act) shall be known as the education excellence act.

NEW SECTION.    **Sec. 3.**    ALLOCATION OF STATE EDUCATION MONEY. Beginning with the 1996-97 school year, all money devoted by the state of Washington to the education of school-age children shall be allocated to the providers of education services as follows:

(1) The office of the superintendent of public instruction, the state board of education, and the educational services districts shall receive periodic appropriations from the state legislature and shall spend this money in the manner authorized by law.

(2) Public school districts shall continue to receive allocations of state funds based on the same formulas and procedures in force on the effective date of this section, that is, by multiplying the number of students enrolled at each district by the basic student allocations for elementary, middle, and high school students, and then adding to this the additional funds provided to public school districts for certain special situations such as allocations for special education, allocations for capital improvements, and allocations for certain transportation expenses.

(3) If a majority of the voters in any public school district vote to implement the provisions of this chapter in their district, the district shall become a reformed public school district and shall, beginning with the next school year, promptly redistribute all money, except that restricted to transportation expenses or capital improvements, received from federal, state, and local sources, to public school partnerships, independent public schools, and qualifying private schools that enroll low-income students, as follows:

(a) A self-governing public school partnership shall be deemed to exist at each school site operated by the reformed public school

1 district. Subject only to the limitations set forth in this chapter,  
2 each public school partnership shall be responsible completely for the  
3 management and operation of its school site, including:

4 (i) The hiring, promotion, discipline, and termination of all  
5 certificated teachers, administrators, and support staff; and

6 (ii) The expenditure of all federal, state, and local funds, except  
7 funds restricted to transportation or capital improvements, that are  
8 received or raised by the reformed public school district based on the  
9 number and/or characteristics of the students attending the public  
10 school partnership.

11 (b) Any person holding a valid Washington state teacher's  
12 certificate may, under this chapter, apply for a license to operate an  
13 independent public school within any reformed public school district.  
14 Each independent public school shall receive education credits as if  
15 each one was a public school partnership. Each independent public  
16 school shall receive the basic education allocation for each student  
17 enrolled, plus the same additional allocation for each special needs  
18 student that a public school partnership would receive.

19 (c) Private schools that do not voluntarily convert to independent  
20 public schools shall not receive any allocation of state or local  
21 funds. However, any private school that spent at least twenty-five  
22 percent more money on education per pupil in each of the prior three  
23 academic years than was spent by the reformed public school district or  
24 its predecessor, and that plans to spend at least the same amount per  
25 student in the current year, may apply for and receive the basic  
26 education allocation from the state only for each low-income student  
27 enrolled, as long as the private school satisfies the following  
28 requirements:

29 (i) The private school shall not require any additional tuition,  
30 charges, or fees from the parents of the low-income student;

31 (ii) The private school shall not unlawfully discriminate against  
32 prospective or current students or parents based on their race, color,  
33 national origin, ethnicity, family income, religion, place of residence  
34 within the reformed public school district, or any other criteria  
35 forbidden by federal or state constitutions or laws; and

36 (iii) The private school shall not advocate unlawful behavior or  
37 teach hatred of any person or group.

38 (d) Reformed public school districts shall provide free  
39 transportation for all students residing within the district and

1 attending public school partnerships or independent public schools  
2 within the district that are not located within a safe walking  
3 distance, as defined by the district, as follows:

4 (i) A reformed public school district shall provide free  
5 transportation for every low-income and special needs student,  
6 regardless of which public school partnership or independent public  
7 school is chosen.

8 (ii) A reformed public school district may provide free  
9 transportation to every student, regardless of which public school  
10 partnership or independent public school is chosen, or it may limit  
11 free transportation to one or more of the nearest public school  
12 partnerships. However, a reformed public school district that is  
13 willing to provide free transportation to a student attending a public  
14 school partnership shall also provide free transportation to any  
15 independent public school chosen by the student's parents that is  
16 located within a one-half mile radius of the public school partnership.  
17 In addition, a reformed public school district shall provide free  
18 transportation to any student attending any public school partnership  
19 or independent public school if the school agrees in writing to  
20 reimburse the district monthly for its marginal cost of providing this  
21 service. A reformed public school district may also, at its option,  
22 provide free transportation to all or any reasonable category of  
23 students attending independent public schools located in the district,  
24 and shall be reimbursed by the state for transportation expenses  
25 related to these students to the same extent as students attending  
26 public schools in nonreformed districts.

27 (e) Reformed public school districts shall continue to spend funds  
28 that are constitutionally restricted to capital improvements in the  
29 same manner authorized by law and rules. However, except to the  
30 minimum extent required by the state Constitution, all state funds that  
31 are restricted to capital improvements for public school districts  
32 shall be distributed to reformed public school districts as a  
33 supplement to the unrestricted basic education allocation that the  
34 district then redistributes, on an equal per-student basis, to all  
35 public school partnerships and independent public schools located  
36 within the district.

37 (4) If a court of competent jurisdiction holds that the amount  
38 allocated by the state to pay for the education of a special needs  
39 child is not in fact sufficient to comply with requirements of state

1 and/or federal law, then the state, not the child's particular public  
2 school district or reformed public school district, shall bear the cost  
3 of complying with the court's ruling.

4 NEW SECTION. **Sec. 4. PARENTAL CHOICE.** (1) A parent who wants to  
5 send his or her school-age child to a public school in a reformed  
6 public school district may choose any public school in the district  
7 with an opening, whether the school is a public school partnership or  
8 an independent public school. In addition, a custodial parent may  
9 withdraw his or her school-age child at any time from any public school  
10 partnership or independent public school as long as he or she has  
11 already made the necessary arrangements to enroll the child in another  
12 public school partnership, independent public school, private school,  
13 out-of-district public school, or home-based educational environment.  
14 Each public school partnership shall assume that students who attended  
15 the same school the previous year and have not graduated will return to  
16 the public school partnership unless the school is notified otherwise  
17 in writing by a student's parent, or unless the student enrolls in  
18 another school, or unless the student fails to attend the first or  
19 second day of class. If the parents of a school-age child fail to make  
20 a school choice before August 1st, the child will be assigned initially  
21 to the same school that he or she attended the previous year. If the  
22 student graduated from that school, he or she shall be assigned  
23 initially to the nearest public school partnership or independent  
24 public school with the appropriate grade level that has an opening and  
25 is within safe walking distance or offers free transportation, unless  
26 the superintendent of the reformed public school district determines in  
27 writing, for good cause shown, that another assignment is more  
28 appropriate for the particular child involved.

29 (2) The superintendent of a reformed public school district may  
30 limit a parent's choice to one or more public school partnerships or  
31 independent public schools within the reformed public school district  
32 only in the following situations:

33 (a) During the following school year only with respect to any  
34 student whose performance on any annual standardized test of student  
35 performance required of all students within the reformed public school  
36 district places the student in the lowest ten percent of all students  
37 of the same age, either in terms of absolute performance, or in terms  
38 of improvement from the previous year;

(b) For the balance of the school year only with respect to any student who has changed public schools more than twice in any one school year without a change of residence.

(c) For the balance of the school year only with respect to any student who has been expelled from a public school partnership or independent public school, or who has been absent from school without a reasonable excuse for more than five days during the school year; and

(d) Indefinitely with respect to any student who has been convicted in any jurisdiction of criminal misconduct constituting a gross misdemeanor or a felony.

(3) No contract may directly or indirectly limit a parent's right to choose the public school that the parent believes is the best public school for his or her child. The part of any contract that violates this section, including any noncompetition clause in any employment contract involving a certificated teacher, is unenforceable.

NEW SECTION. **Sec. 5. TEACHER CHOICE.** (1) Every public school partnership and independent public school shall promptly notify the superintendent of its reformed public school district of the name of its principal. The principal is the person at the public school partnership or independent public school with day-to-day responsibility for school management. A public school partnership or independent public school may change its designated principal at any time by providing written notice to the superintendent of the reformed public school district.

(2) Each public school partnership or independent public school shall establish a code of conduct and discipline by providing a written copy to all enrolled students and student applicants, their parents, and the superintendent of the reformed public school district. Once a code of conduct has been established, the principal may, in accordance with the code of conduct, discipline, suspend, or, for serious or habitual misconduct related to the school, expel any student upon giving a written notice and explanation to the student's parents. Copies of all notices related to the suspension or expulsion of a student shall be sent to the superintendent of the reformed public school district, who shall not publicly disclose the identity of the student involved unless required to do so by court order.

(3) The principal of a public school partnership or independent public school may also hire and fire other teachers, interns,

1 assistants, consultants, or other service providers, as long as all  
2 such decisions comply with all laws concerning contracts, and in  
3 particular, employment contracts. However, the principal of a public  
4 school partnership shall not, except under the terms of a written  
5 employment contract signed by the employee before his or her first day  
6 of employment, reduce the compensation or terminate the employment of  
7 any certificated teacher employed by the public school partnership  
8 without first obtaining the written consent of ninety percent of the  
9 members comprising the public school partnership, excluding the member  
10 who the principal has proposed to terminate. The principal of a public  
11 school partnership may only propose to reduce the compensation or  
12 terminate one certificated teacher at a time.

13 (4)(a) The superintendent and school board of a reformed public  
14 school district shall take every reasonable action necessary to assure  
15 that every special needs student and any student expelled from a public  
16 school partnership or independent public school, or any student whose  
17 public school partnership or independent public school ceases to  
18 operate during a school year, receives an appropriate education in a  
19 public school partnership or independent public school, unless the  
20 student's parent chooses to enroll the student in a private school or  
21 pursue home-based instruction pursuant to chapter 28A.200 RCW.

22 (b) If a public school partnership or independent public school for  
23 any reason discontinues operation during a school year, the  
24 superintendent of the reformed public school district may assume  
25 control of the public school partnership or independent public school,  
26 employ certificated teachers and staff, and otherwise provide for the  
27 operation and management of the school, but only for the balance of the  
28 school year.

29 NEW SECTION. **Sec. 6.** (1)(a) On the first Tuesday in February  
30 1996, an election shall be held in every public school district in the  
31 state to determine whether each district will adopt the education  
32 reforms authorized by this chapter and become a reformed public school  
33 district. The ballot question shall be phrased as follows:

34 "Shall the . . . . public school district be reformed, as  
35 authorized by the Education Excellence Act?"

36 (b) If a majority of those voting in any public school district  
37 vote "yes," to reform the public school district, this chapter shall

1 apply to all public and private schools located within the reformed  
2 public school district, until such time, if ever, that a majority of  
3 those voting in a subsequent district-wide election vote not to  
4 participate in the education reforms authorized by this chapter.  
5 Whether the voters vote to participate or not to participate in the  
6 education reforms authorized by this chapter, the change shall not take  
7 place until the beginning of the next school year.

8 (2) At any time before the beginning of the next school year,  
9 public school partnerships may select their executive committees and  
10 principals, and certificated teachers may obtain licenses to operate  
11 new independent public schools.

12 (3) Once the voters in a public school district have voted to adopt  
13 the education reforms authorized by this chapter, the district may not  
14 revert to its former status except by a vote of its electorate held on  
15 the election day that is closest to an anniversary that is a multiple  
16 of six years after the original vote to become a reformed public school  
17 district.

18 (4) The school board in every public school district that has not  
19 adopted the education reforms authorized by this chapter may put the  
20 issue to its voters again in the same manner that a board may ask its  
21 voters to approve a bond or levy.

22 (5) In every public school district that has never been a reformed  
23 public school district, however, the board shall, whenever it asks its  
24 voters to approve a bond or levy for capital improvements, operations,  
25 and/or maintenance, also ask its voters again whether they want to  
26 adopt the education reforms authorized by this chapter and thereby  
27 convert the district to a reformed public school district.

28 NEW SECTION. **Sec. 7.** REQUIREMENTS FOR PUBLIC SCHOOL PARTNERSHIPS.

29 A public school partnership is a self-governing unit of a reformed  
30 public school district that is responsible for the operation and  
31 management of a school site that was, immediately before the creation  
32 of the public school partnership, owned, operated, and managed by a  
33 public school district. Public school partnerships shall satisfy the  
34 following requirements:

35 (1) Each public school partnership shall be governed by an  
36 executive committee that shall select and replace the principal as it  
37 deems appropriate. All of the voting members of the executive  
38 committee shall be certificated teachers who are employed full time at



1 the school managed by the public school partnership or parents of  
2 children attending the public school partnership, although certificated  
3 teachers shall constitute at least a majority but not more than two-  
4 thirds of the voting members of the executive committee, and parents  
5 shall receive no compensation or reimbursement for their time or  
6 expenses or have any financial dealings with the public school  
7 partnership whatsoever. Certificated teachers include administrators  
8 who are also certificated teachers.

9 (a) At 10:00 a.m. on the last Friday in June of each year or any  
10 other date and time in June or July selected by the executive committee  
11 in April, the number of voting members on the executive committee shall  
12 be determined by a majority vote of the certificated teachers who are  
13 employed full time at each school site managed by a public school  
14 partnership.

15 (b) Immediately after determining the number of voting members on  
16 the executive committee, a second vote shall be held among the  
17 certificated teachers who are employed full time at the school managed  
18 by the public school partnership, and the certificated teacher  
19 candidates receiving the most votes shall be elected or reelected for  
20 one-year terms, or until their successors are elected. Ties shall be  
21 resolved by a run-off election held immediately after the second vote,  
22 and if a tie remains after the run-off, by a coin toss. Mid-term  
23 vacancies in the executive committee shall be filled by a special  
24 election held at a date and time specified by the executive committee  
25 within three weeks of the occurrence of the vacancy. All voting and  
26 non-voting members of the executive committee who are not certificated  
27 teachers employed full time at the public school partnership shall be  
28 elected or reelected by a vote of the executive committee who are  
29 certificated teachers full time at the public school partnership.

30 (2) The reformed public school district may deduct from the funds  
31 otherwise payable to the public school partnership a reasonable monthly  
32 rent for the real and personal property owned by the reformed public  
33 school district and used by the public school partnership during each  
34 school year. The public school partnership shall not be charged rent  
35 for any equipment or other personal property that the public school  
36 partnership requests in writing that the reformed public school  
37 district remove from the school managed by the public school  
38 partnership. A reasonable monthly rent is the rent that would be  
39 charged in a free market to rent substantially similar land, buildings,

1 and equipment. Replacement cost is not relevant to determining the  
2 reasonable rent. If the reformed public school district and a public  
3 school partnership cannot agree on what constitutes a reasonable rent,  
4 either party may initiate a binding arbitration in accordance with  
5 section 26 of this act.

6 (a) A reformed public school district may offer to accept  
7 below-market rent for the use of the school site or educational  
8 equipment, but only if at least fifty percent of the students attending  
9 the public school partnership are low-income and/or special needs  
10 students. A reformed public school district may condition its offer on  
11 the public school partnership's contractual agreement to provide  
12 additional services to its students.

13 (b) All market-based rents charged by a reformed public school  
14 district shall be reduced pro rata if the total of all market and  
15 below-market rents paid by public school partnerships and independent  
16 public schools exceed the total of:

17 (i) The reasonable cost of maintaining, excluding janitorial  
18 services, the facilities and equipment owned by the reformed public  
19 school district and actually used by a public school partnership or  
20 independent public school; plus

21 (ii) The reasonable cost of obtaining casualty and liability  
22 insurance for the reformed public school district, the public school  
23 partnerships, and their employees; plus

24 (iii) Fifty percent of the amount spent by the district on central  
25 administration activities other than insurance during the 1994-95  
26 school year, adjusted annually for inflation.

27 (3) Unless a public school partnership specifically agrees  
28 otherwise in writing and the rent is adjusted downward accordingly, a  
29 reformed public school district shall at all times remain responsible  
30 for the proper maintenance, excluding janitorial services, and prompt  
31 repair or replacement of all grounds, buildings, and equipment rented  
32 by each public school partnership. The district shall maintain a  
33 reasonable level of liability and casualty insurance to protect itself  
34 and its public school partnerships from unforeseen risks. Insurance  
35 required under this subsection shall list the district's public school  
36 partnerships and their employees as additional insureds.

37 (4) All schools managed by public school partnerships are exempt  
38 from all laws and rules except those that also apply to private schools  
39 and independent public schools or those specifically authorized by this

1 chapter. Except for the payment of a reasonable monthly rent for the  
2 real and personal property owned by the reformed public school district  
3 and used by a public school partnership during each school year, a  
4 public school partnership shall not be required to pay for any other  
5 services received from the district unless the public school  
6 partnership specifically agrees to do so in writing. Similarly, except  
7 for rental, maintenance, repair, replacement and insurance of existing  
8 school facilities, and responsibility for the safe transportation of  
9 students to the school chosen by their parents, the reformed public  
10 school district is not required to provide any services to any public  
11 school partnership unless the public school partnership specifically  
12 agrees in writing to pay for the services. Each public school  
13 partnership may contract for services with its reformed public school  
14 district or with any other willing provider. However, all contracts  
15 for periodic services, such as equipment maintenance services,  
16 janitorial services, bookkeeping services, accounting services, legal  
17 services, insurance services, and consulting services may always be  
18 canceled, without penalty, at the election of a public school  
19 partnership, upon giving thirty days' written notice to the service  
20 provider.

21 (5) Within one hundred twenty days of the end of each school year,  
22 each public school partnership shall pay all of its debts and expenses  
23 related to the school year, and then prepare an income statement and a  
24 statement of sources and uses of cash. This statement shall be audited  
25 by a certified public accountant and the audited statements submitted  
26 both to the reformed public school district and the superintendent of  
27 public instruction. Unless either the district or the superintendent  
28 of public instruction believes in good faith that the audited  
29 statements filed by a public school partnership are incorrect, and  
30 within thirty days of receiving the statements initiates an arbitration  
31 to establish this fact, the executive committee of the public school  
32 partnership may distribute, in the form of year-end bonuses to the  
33 persons who were employed at the school managed by the public school  
34 partnership during the just-completed school year, up to ninety percent  
35 of the audited cash balance, if any, remaining at the end of any school  
36 year after all of the public school partnership's education credits  
37 have been received and its expenses and debts have been paid. The  
38 specific amount of each bonus shall be determined by the executive  
39 committee. All surplus funds not distributed shall be retained by the

1 public school partnership and may be used by it for education-related  
2 expenses during any future school year or as a cash reserve for  
3 unexpected contingencies.

4 (6) If a public school partnership does not have sufficient cash or  
5 education credit receivables to pay all of its debts and expenses  
6 related to the just-completed school year, these debts and expenses may  
7 be paid within sixty days of the end of the school year with donations  
8 raised by the public school partnership. If the public school  
9 partnership is not able to raise sufficient donations, then any deficit  
10 shall be paid by the reformed public school district in which the  
11 public school partnership is located. If the district is required to  
12 pay the deficit, the district shall promptly dissolve and wind-up the  
13 public school partnership and lease the school site to one or more  
14 independent public schools beginning with the next school year.  
15 Teachers whose public school partnership is dissolved shall have no  
16 right to replace teachers with less seniority who are working at other  
17 public school partnerships.

18 (7) Although public school partnerships are analogous to  
19 private-sector partnerships in that they may contract for services, sue  
20 and be sued, public school partnership members may not be held  
21 vicariously liable for any judgment rendered against a public school  
22 partnership. Because the members of public school partnerships are not  
23 personally liable for any public school partnership deficit, neither  
24 the principal nor the executive committee may provide a salary and  
25 benefits package to any member of a public school partnership that  
26 costs more than the salary and benefits package earned by the member in  
27 the last school year before the public school district became a  
28 reformed public school district, or that would have been earned by the  
29 member in that school year if the member had been employed for the same  
30 number of hours by the district at the time, adjusted annually for any  
31 changes in the consumer price index. There is no maximum on the amount  
32 of any bonus that may be paid, as long as the total of all bonuses does  
33 not exceed ninety percent of the audited cash balance, if any,  
34 remaining at the end of any school year after all of a public school  
35 partnership's education credits have been received and its expenses and  
36 debts have been paid.

37 (8) If at least seventy-five percent of the members of a public  
38 school partnership agree in writing, a public school partnership may  
39 convert to an independent public school as of the beginning of the next

1 school year. A public school partnership that converts to an  
2 independent public school may continue to rent, at a reasonable monthly  
3 rate, the same school site and/or related facilities used by the public  
4 school partnership. The reformed public school district shall not  
5 discontinue the rental arrangement as long as the independent public  
6 school agrees to and does pay a reasonable rent in a timely manner.  
7 Alternatively, the newly created independent public school may, at its  
8 election, rent, lease, or purchase suitable classroom or school  
9 facilities in the district from any other willing provider.

10 NEW SECTION. **Sec. 8.** REQUIREMENTS FOR INDEPENDENT PUBLIC SCHOOLS.

11 Independent public schools are publicly funded independent schools or  
12 independent classrooms within facilities owned by reformed public  
13 school districts that have obtained a license from the superintendent  
14 of public instruction, that satisfy all of the requirements for  
15 operating a private school in the state, including chapter 28A.195 RCW,  
16 that were in force on December 31, 1994, and that satisfy the following  
17 requirements:

18 (1) Every independent public school shall be owned by a  
19 certificated teacher or a group of certificated teachers organized as  
20 a partnership, professional service corporation, union or cooperative,  
21 and be managed by the certificated teacher designated as the principal.  
22 Private schools that are owned by noncertificated teachers and were in  
23 operation throughout the school year immediately before the year the  
24 district became a reformed public school district may still become  
25 independent public schools if all of the owners either become  
26 certificated teachers or sell their interests to certificated teachers  
27 within three years of the beginning of the reformed public school  
28 district's initial school year. The names and work addresses of all  
29 owners of independent public schools shall be a matter of public  
30 record.

31 (2) An independent public school may receive education credits only  
32 for those students enrolled for whom an individualized learning plan  
33 has been completed. Every request for education credits filed by an  
34 independent public school shall include a certification by the  
35 independent public school that it has a completed individualized  
36 learning plan on file for each student listed. For purposes of this  
37 section, an individualized learning plan is not completed unless it is  
38 in writing and is signed by the classroom teacher, the principal, and

1 at least one of the student's parents. Every parent shall receive a  
2 fully signed copy of his or her student's individualized learning plan  
3 each time it is prepared or formally reviewed, regardless of whether it  
4 is revised. In September, January, and June, each student's  
5 individualized learning plan shall be prepared or formally reviewed and  
6 signed by the classroom teacher, the principal, and at least one of the  
7 student's parents.

8 (3)(a) Every independent public school shall be licensed by the  
9 superintendent of public instruction. To obtain an independent public  
10 school license, a qualified person or entity shall file a license  
11 application with the superintendent of public instruction no later than  
12 the July 1st before its first year of operation, and file an  
13 application for license renewal during June of each subsequent year.  
14 The applicant shall provide a complete copy of every license and  
15 renewal application to the superintendent of the reformed public school  
16 districts in which the applicant intends to operate one or more  
17 independent public schools. All such applications shall include a  
18 brochure or pamphlet that includes the following information, if the  
19 information is reasonably available:

20 (i) The nature of the applicant's academic program or proposed  
21 program;

22 (ii) For renewal applications, if test score information is  
23 available, the average annual improvement in same-student standardized  
24 test scores of its students;

25 (iii) The names and qualifications of its teachers and staff;

26 (iv) Whether the independent public school is operated for profit  
27 or as a nonprofit organization;

28 (v) The mode of governance of the independent public school and any  
29 affiliations with other institutions;

30 (vi) The independent public school's expectations about student  
31 performance and behavior, including a copy of the school's code of  
32 conduct and discipline;

33 (vii) Any problems known to the independent public school that  
34 could have a substantial negative impact on the health or safety of its  
35 students; and

36 (viii) The amount and kinds of coverage provided by the school's  
37 liability insurance policy, including the name and phone number of the  
38 insurance company, the policy number, and its renewal date.

(b) No application may be denied unless the superintendent of public instruction identifies in writing specific substantial objections based upon credible evidence that the applicant does not satisfy one or more of the specific requirements for an independent public school as set forth in this chapter or rules adopted under it, and unless the superintendent of public instruction provides the applicant with a reasonable opportunity to cure the objections noted.

(c) Once an independent public school's initial application has been approved, its status as an independent public school shall not be revoked by the superintendent of public instruction except upon proof of a substantial violation of the independent public school requirements after notice and an opportunity to cure or defend.

NEW SECTION.     **Sec. 9.**     REQUIREMENTS FOR BOTH PUBLIC SCHOOL PARTNERSHIPS AND INDEPENDENT PUBLIC SCHOOLS. Both public school partnerships and independent public schools shall satisfy all of the following requirements:

(1) Though public school partnerships and independent public schools may generally set their own admissions criteria, they shall not discriminate against prospective or current students or parents based on their race, color, national origin, ethnicity, family income, religion, place of residence within the reformed public school district, or any criteria forbidden by the federal or state constitutions or laws. Although public school partnerships and independent public schools shall not deny admission on the basis of gender, they may teach children using single-gender classrooms.

(2) Neither a public school partnership nor an independent public school may advocate unlawful behavior or teach hatred of any person or group.

(3) Neither a public school partnership nor an independent public school may require any tuition or fees in excess of the education credits provided by federal, state, and local governments. However, all independent public schools that are not entitled to receive one hundred percent of their education credit allocations during the phase-in period may charge tuition equal to the portion of the allocation withheld due to the phase-in requirements. In addition, public school partnerships and independent public schools may charge reasonable fees for extracurricular programs, including nonrequired summer instruction.

(4) Each public school partnership and independent public school shall reserve at least fifteen percent of its actual enrollment for low-income students. The exact percentage reserved by a public school partnership or independent public school for low-income students shall be disclosed annually to the reformed public school district and the superintendent of public instruction as a matter of public record. If timely applications from such students are fewer than the places available, all low-income students who apply shall be admitted; if timely applications from low-income students exceed the places available, the school may use any lawful criteria to select the low-income students who are offered admission. Except to the extent necessary to satisfy this requirement, no public school partnership or independent public school may consider a student's family income when deciding whether to enroll a student.

(5) Each public school partnership and independent public school shall disclose monthly to the reformed public school district and the superintendent of public instruction, as a matter of public record, the number of students enrolled, the number of students on any waiting list, and whether any openings are available for new students. Unless more than fifteen percent of a public school partnership's or independent public school's students are already low-income students, low-income students who are already on the school's waiting list shall be given the first opportunity to fill any available openings for new students. No student may be on the waiting list of more than five public school partnerships or independent public schools at any one time. If timely applications from low-income students are fewer than the places available, all who apply shall be admitted; if timely applications from such students exceed the places available, the school may use any lawful criteria to select the low-income students who are enrolled to meet the fifteen percent requirement.

(6) Each public school partnership and independent public school shall disclose annually to the reformed public school district and the superintendent of public instruction, as a matter of public record, its financial performance, including all significant categories of revenue and expense, and all significant sources and uses of cash.

(7) Each public school partnership and independent public school shall disclose annually to the reformed public school district and the superintendent of public instruction, as a matter of public record, its student turnover, including the number of students attending at the



1 beginning of the school year, the number who transferred in and out,  
2 and the number who graduated, including the gender and ethnic  
3 background of the students in each category.

4 (8)(a) Each public school partnership and independent public school  
5 shall disclose monthly, in confidence to the reformed public school  
6 district and the superintendent of public instruction, the attendance  
7 of each child enrolled, and whether each absence was excused or  
8 unexcused. A brief explanation of all excused absences during the  
9 current and previous school year shall be kept on file by the public  
10 school partnership or independent public school.

11 (b) For purposes of this section, a child is in attendance if he or  
12 she is physically present in the classroom, although the superintendent  
13 of the reformed public school district or the superintendent of public  
14 instruction may grant a waiver of this requirement, as appropriate.

15 (9) Each public school partnership and independent public school  
16 shall disclose monthly to the reformed public school district and the  
17 superintendent of public instruction, as a matter of public record, all  
18 written complaints against it that have been filed with the  
19 superintendent of the reformed public school district by identified  
20 parents, students, or others. The public school partnership or  
21 independent public school may also disclose its written response to any  
22 such complaints. All references in the publicly disclosed documents to  
23 particular teachers, students, and parents shall be kept confidential,  
24 however, to preserve the privacy of the affected parties, unless a  
25 court of competent jurisdiction orders otherwise.

26 (10) The school board of a reformed public school district shall  
27 conduct hearings at the earliest practical date to determine whether it  
28 would be desirable to require all students attending public school  
29 partnerships and independent public schools to take one annual  
30 standardized test of student performance, in addition to any state-wide  
31 tests required by the superintendent of public instruction, for the  
32 purpose of assisting parents in choosing the best school for their  
33 children. If the school board of a reformed public school determines  
34 that it would be desirable to have a standardized test and requires  
35 that all public school students within the district take the  
36 standardized test, each public school shall disclose annually, as a  
37 matter of public record, to the extent it can be done without  
38 compromising the confidentiality of any student's personal scores, the  
39 average annual improvement in same-student performance, in total, and

1 also by student age, gender, and ethnicity. All such standardized  
2 tests shall be required of or offered to all public schools within the  
3 reformed public school district equally, shall be paid for by the  
4 district, and shall be administered and scored by independent parties  
5 in accordance with rules issued by the superintendent of public  
6 instruction. Individual results, including percentile performance,  
7 shall be released only to the child's parents, who may share the  
8 results with their child or others as they choose.

9 (11) An individual student shall only enroll in one public school  
10 partnership or independent public school at one time. Any public  
11 school partnership or independent public school may, however, contract  
12 with one or more other public school partnerships or independent public  
13 schools to provide part of the education services received by its  
14 students.

15 (12) Chapter 336, Laws of 1993, created a timetable for creating  
16 and imposing various requirements on all public school districts, but  
17 exempted private schools and home-based instruction from most of these  
18 requirements. The requirements of chapter 336, Laws of 1993 apply to  
19 all public school partnerships; however, independent public schools  
20 shall be treated in the same manner as private schools.

21 NEW SECTION. **Sec. 10.** DISSEMINATION OF PUBLIC INFORMATION TO  
22 INTERESTED PERSONS. Each reformed public school district shall provide  
23 free reasonable access to every interested person to its public records  
24 concerning each public school partnership and independent public school  
25 located within the district. Each reformed public school district  
26 shall provide free by telephone, mail, facsimile, and electronic mail  
27 to any person requesting the information, the names, addresses, and  
28 telephone numbers of each public school partnership and independent  
29 public school located in the district, or in any one or more of the  
30 postal zip code areas within the district. Each reformed public school  
31 district shall also mail at no charge to any person living in the  
32 district the brochures describing up to ten different public school  
33 partnerships and/or independent public schools, but only to the extent  
34 that the public school partnerships and/or independent public schools  
35 involved have supplied sufficient copies of their brochures to the  
36 district. The district may mail more than ten brochures to interested  
37 persons if it chooses to do so.

1        NEW SECTION.    **Sec. 11.**    ADDITIONAL RULES OR TAXES FOR PUBLIC SCHOOL  
2 PARTNERSHIPS AND/OR INDEPENDENT PUBLIC SCHOOLS PROHIBITED.    (1) Except  
3 for the requirements set forth in this chapter and any rules adopted in  
4 accordance with the procedures set forth in this section, there shall  
5 be no other requirements or rules imposed on public school partnerships  
6 or independent public schools, whether by the state or any county,  
7 city, or other government or quasi-governmental entity.

8        (2) Public school partnerships and independent public schools shall  
9 receive the same tax exemptions and other tax benefits currently  
10 enjoyed by public schools in nonreformed public school districts.

11        (3) Neither the superintendent of public instruction nor the state  
12 board of education may issue rules that limit the operational  
13 flexibility of public school partnerships or independent public schools  
14 unless and until the rules are specifically approved by statute or by  
15 a majority vote of all certificated teachers who are members, owners,  
16 or employees of public school partnerships or independent public  
17 schools. Rules that apply only to public school partnerships or only  
18 to independent public schools, or that do not apply equally to both  
19 public school partnerships and independent public schools, shall obtain  
20 majority approval from those certificated teachers who are members,  
21 owners, or employees of the group most affected by the rule.

22        (4) This chapter does not authorize the legislature to take any  
23 action in collaboration with the superintendent of public instruction  
24 or state board of education that the legislature would be prohibited  
25 from doing on its own.

26        NEW SECTION.    **Sec. 12.**    DISTRIBUTION OF FUNDS TO EACH PUBLIC SCHOOL  
27 PARTNERSHIP AND INDEPENDENT PUBLIC SCHOOL.    (1) Each reformed public  
28 school district shall redistribute, by the 20th of each month during  
29 the months of October through September, all federal, state, and local  
30 funds received by the district in the prior month as required by this  
31 chapter. Funds shall be redistributed to each public school  
32 partnership and independent public school based on the ratio of the  
33 total number of school days in the previous month to the total number  
34 of school days in the school year, multiplied by the annual education  
35 credits due for each child enrolled, including the annual allocation  
36 for each special needs child. Education credits shall be prorated for  
37 each child who was not enrolled at an independent public school during  
38 the entire previous month. Funds redistributed during the months of

1 August and September shall be based on the average daily enrollment at  
2 a public school partnership or independent public school during the  
3 prior academic year, taking into account the average daily enrollment  
4 of each category of special needs students.

5 (2) This chapter does not prohibit any public school partnership or  
6 independent public school from operating its school on a year-round  
7 schedule. The superintendent of public instruction shall, upon the  
8 request of any interested person, issue rules governing the timing of  
9 payments to such schools by reformed public school districts.

10 NEW SECTION. **Sec. 13.** SPECIAL RULES DURING THE PHASE-IN PERIOD.

11 (1)(a) To encourage the smooth conversion of all existing public  
12 schools within a reformed public school district into schools managed  
13 by public school partnerships or independent public schools, preferred  
14 teachers shall be given a preference in establishing new independent  
15 public schools during the first two school years following the decision  
16 of any public school district to become a reformed public school  
17 district.

18 (b) As used in this section, "preferred teachers" means  
19 certificated teachers who were employed by a public school district,  
20 educational service district, or the office of the superintendent of  
21 public instruction during the 1994-95 school year.

22 (2) Phase One - Before the Initial School Year.

23 (a) At least sixty days before the initial school year of a  
24 reformed public school district begins, any certificated teacher may  
25 file with the superintendent of public instruction an election to  
26 create an independent public school or classroom in the district.

27 (b) Reformed public school districts may but are not required to  
28 rent, at a reasonable monthly rate, classroom space and/or related  
29 facilities to these teachers, except to the extent that the reformed  
30 public school district owns school facilities that are vacant or are  
31 being used for purposes other than K-12 education. If a rental  
32 agreement is reached, the reformed public school district shall not  
33 unilaterally discontinue the rental arrangement as long as the  
34 independent public school agrees to and pays a reasonable monthly rent  
35 in a timely manner. A reformed public school district may offer to  
36 accept below-market rent for the use of the school site and/or  
37 educational equipment, but only if at least fifty percent of the  
38 students attending the independent public school are low-income or

1 special needs students. A reformed public school district may  
2 condition its offer on the independent public school's contractual  
3 agreement to provide additional services to its students.

4 (c) Each certificated teacher who files an election to create an  
5 independent public school or classroom may, at his or her election,  
6 rent, lease, or purchase suitable classroom or school facilities in the  
7 district from any other willing provider.

8 (3) Phase Two - The Initial School Year.

9 (a) During the initial school year, preferred teachers who operate  
10 independent public schools shall receive one hundred percent of the  
11 education credits to which they are entitled.

12 (b) Other certificated teachers who operate independent public  
13 schools shall receive fifty percent of the education credits to which  
14 they would otherwise be entitled, but may charge tuition equal to the  
15 fifty percent withheld, or any lesser amount.

16 (4) Phase Three - Before the Second School Year. During the time  
17 period before the beginning of the second school year, the rules are  
18 the same as under subsection (2) of this section.

19 (5) Phase Four - The Second School Year.

20 (a) Preferred teachers who operate independent public schools shall  
21 receive one hundred percent of the education credits to which they are  
22 entitled.

23 (b) Other certificated teachers who operate independent public  
24 schools shall receive seventy-five percent of the education credits to  
25 which they would otherwise be entitled, but may charge tuition equal to  
26 the twenty-five percent withheld, or any lesser amount.

27 (6) Phase Five - After the Second School Year. At the end of the  
28 second school year, the phase-in period is complete.

29 (7) Other Phase-in Rules.

30 (a) Beginning with the initial school year, all publicly funded  
31 teaching of school-age children within a reformed public school  
32 district shall be accomplished through certificated teachers who are  
33 members, employees, or owners of public school partnerships or  
34 independent public schools, although private schools located within the  
35 district that spend substantially more per student than public schools  
36 may obtain a limited reimbursement for each low-income student  
37 enrolled, as authorized in section 3(3)(c) of this act. Reformed  
38 public school districts may continue to own, purchase, and construct  
39 schools and other education-related facilities for purposes of selling

1 or renting these facilities, at reasonable prices, to public school  
2 partnerships or independent public schools. In addition, reformed  
3 public school districts may, in competition with other providers, offer  
4 education enhancement, business management, and other consulting or  
5 support services to public school partnerships and independent public  
6 schools.

7 (b) Beginning with the initial school year, a reformed public  
8 school district shall no longer retain any allocations of state or  
9 federal funds, except those funds that are restricted to capital  
10 improvements or transportation. Instead, all such allocations shall  
11 promptly be conveyed to the public school partnerships and independent  
12 public schools located within the district, and all operating revenues  
13 received by the reformed public school district shall be derived from  
14 renting facilities, selling facilities, and selling other services or  
15 products to public school partnerships or independent public schools.  
16 Under no circumstances shall a reformed public school district or any  
17 public school partnership, independent public school or private school  
18 therein be required to pay any money or fees, directly or indirectly,  
19 to the superintendent of public instruction or any educational service  
20 district.

21 (c) Beginning with the initial school year, all state funds  
22 previously allocated to a reformed public school district for operating  
23 expenses shall be distributed on a per-student basis to all public  
24 school partnerships and independent public schools located within the  
25 district, either as equal per-student basic education allocations or as  
26 variable per-student special needs education allocations.

27 (d) Beginning with the initial school year, the state shall not,  
28 except to the minimum extent required by the state Constitution, make  
29 any funding allocations to a reformed public school district that are  
30 restricted to use for capital improvements. To the maximum extent  
31 allowed by the state Constitution, all state funds that are restricted  
32 to capital improvements for public school districts shall be  
33 distributed to reformed public school districts as a supplement to the  
34 unrestricted basic education allocation that is then redistributed on  
35 an equal per-student basis to all public school partnerships and  
36 independent public schools.

37 (e) Beginning with the initial school year and for a period of ten  
38 years thereafter, a reformed public school district that owns school  
39 facilities that are vacant or are being used for purposes other than

1 K-12 education may sell the property to any interested buyer but only  
2 on condition that the new owner and its heirs and assigns forever agree  
3 to use the property solely as the location for one or more independent  
4 public schools as long as the district remains a reformed public school  
5 district. The net proceeds from any such sale shall be deposited in a  
6 separate account controlled by the reformed public school district, but  
7 that may be used solely by the district to provide additional  
8 incentives for public school partnerships and independent public  
9 schools to locate or continue operating in neighborhoods populated  
10 primarily by low-income students. Districts that do not have any  
11 neighborhoods populated primarily by low-income students may use the  
12 money to provide additional incentives for public school partnerships  
13 and independent public schools to provide additional services to low-  
14 income students. A reformed public school district that owns school  
15 facilities that are still vacant or used for purposes other than K-12  
16 education ten years after the initial school year may sell the property  
17 to any buyer without any conditions as long as the net proceeds are  
18 deposited into the restricted account.

19 (f) During the two months before and the six months after the  
20 beginning of the initial school year and any subsequent school year, a  
21 reformed public school district may offer to loan money to all of its  
22 public school partnerships at any rate of interest equal to or less  
23 than the prime rate. All such loans shall be repaid in full by the end  
24 of the applicable school year.

25 (g) During the months of January through June of every year  
26 following the second school year, any certificated teacher may file  
27 with the superintendent of public instruction an election to create an  
28 independent public school or classroom. Independent public schools may  
29 then negotiate to purchase or rent real and personal property from the  
30 reformed public school district, or any other willing provider, in the  
31 same manner as described in subsection (2) of this section.

32 (h) After the second school year, the distinction between preferred  
33 teachers and other certificated teachers within a reformed public  
34 school district shall be eliminated. All certificated teachers who  
35 operate independent public schools within the district shall receive  
36 one hundred percent of the education credits to which they are  
37 entitled.

38 (i) The provisions of any collective bargaining agreement involving  
39 any public school district that were agreed to prior to February 1,

1 1995 shall bind a reformed public school district with respect to its  
2 public school partnerships until the agreement expires or the union  
3 waives the provisions at issue.

4 NEW SECTION. **Sec. 14.** LOCAL SCHOOL LEVIES. (1) A reformed public  
5 school district may continue to place levy and bond proposals before  
6 the voters in the district, in accordance with the law, but the  
7 proposed uses of the proceeds of all such proposals shall be identified  
8 in advance of the election and then spent in accordance with this  
9 section.

10 (2) The proceeds of operating levies shall be spent as follows:

11 (a) The proceeds of special education levies shall be distributed  
12 to all public school partnerships and independent public schools in the  
13 district in which eligible special needs students are enrolled,  
14 according to the rules set forth in the levy.

15 (b) The proceeds of basic education and other operation or  
16 maintenance levies shall be distributed monthly, during the months of  
17 October through September, on an equal per-student basis to all public  
18 school partnerships and independent public schools located in the  
19 district, as a supplement to the basic education allocation distributed  
20 by the state.

21 (c) The proceeds of transportation levies shall be retained by the  
22 reformed public school district and used to maintain or improve the  
23 transportation services provided to children attending public school  
24 partnerships and independent public schools.

25 (3) The proceeds of capital improvement levies shall be spent to  
26 purchase and/or construct the capital improvements specified, however  
27 if the capital improvements are for new schools or additions to  
28 existing schools, the facilities shall be sold or rented to one or more  
29 public school partnerships or independent public schools immediately  
30 after they are ready for occupancy.

31 NEW SECTION. **Sec. 15.** RECOGNITION OF EXISTING CONSTITUTIONAL  
32 LIMITATIONS ON PROVIDING PUBLIC FUNDS TO SCHOOLS THAT ARE NOT FREE OF  
33 SECTARIAN CONTROL AND INFLUENCE. The People recognize that, unlike the  
34 People of the states of California and Oregon, they do not have the  
35 power to amend the Washington state Constitution by initiative. The  
36 People further recognize that Article II, section 4 of the state  
37 Constitution expressly states: "All schools maintained or supported



1 wholly or in part by the public funds shall be forever free from  
2 sectarian control or influence." Unless and until this constitutional  
3 provision is amended superceded, or ruled invalid, all publicly funded  
4 schools shall comply with this provision, including public school  
5 partnerships, independent public schools, and qualified private schools  
6 enrolling low-income students.

7 NEW SECTION. **Sec. 16.** EQUAL TAX TREATMENT OF NONGOVERNMENTAL  
8 SERVICE PROVIDERS. Individuals and organizations that compete with  
9 reformed public school districts in the sale, lease, or rental of  
10 schools, education-related equipment, or supplies to public school  
11 partnerships or independent public schools shall, with respect to such  
12 activities, be taxed by the state and its localities in the same manner  
13 and receive the same exemptions as public school districts.

14 NEW SECTION. **Sec. 17.** LIMITATION ON SIZE OF REFORMED PUBLIC  
15 SCHOOL DISTRICTS. To ensure that reformed public school districts  
16 remain responsive to the needs of their constituents, any reformed  
17 public school district with an enrollment of more than forty thousand  
18 students shall be divided into two or more reformed public school  
19 districts beginning with the third school year after the first school  
20 year in which the district operates as a reformed public school  
21 district, unless a majority of the voters in the district vote  
22 otherwise in an election scheduled by the school board sometime during  
23 the second school year after the first school year in which the  
24 district operates as a reformed school district. The boundaries of the  
25 new districts shall be determined by a vote of the school board of the  
26 reformed public school district, but not until after at least three  
27 public hearings are held, each of which shall be at least eight hours  
28 in length, and two of which shall be held on a Saturday, followed by a  
29 one-month opportunity in which any interested citizen may submit  
30 written comments, followed by a final public hearing of at least eight  
31 hours in length, which shall also be held on a Saturday.

32 NEW SECTION. **Sec. 18.** TAXPAYER PROTECTION CLAUSE. Unless  
33 approved by a majority of the voters in a state-wide referendum or  
34 initiative, the total amount of money appropriated by the state for  
35 publicly financed education during the four years beginning with the  
36 1996-97 school year shall be fixed at the same amount spent by the

1 state during the 1994-95 school year, adjusted annually for any changes  
2 in the consumer price index, for any changes in the total number of  
3 school-age children living in the state who are attending a public  
4 school, and for any increase in the cost of complying with unfunded  
5 federal mandates and/or judicial mandates, whether based on state or  
6 federal law. This clause does not prohibit local voters from approving  
7 additional educational levies in accordance with existing law.

8 NEW SECTION. **Sec. 19.** HOME-BASED EDUCATION PROTECTION CLAUSE.  
9 Nothing in this chapter affects the laws and rules in existence on the  
10 effective date of this section pertaining to home-based instruction,  
11 including chapter 28A.200 RCW.

12 NEW SECTION. **Sec. 20.** BENEFIT AND SENIORITY PROTECTION FOR  
13 EMPLOYEES OF PUBLIC SCHOOL PARTNERSHIPS AND INDEPENDENT PUBLIC SCHOOLS.  
14 Any government entity that currently offers a pension, health care  
15 plan, or other benefit plan to an employee who subsequently becomes a  
16 member, owner, or employee of a public school partnership or  
17 independent public school shall offer each such individual the option  
18 of continuing to participate without penalty in any or all of the  
19 applicable benefit plans as long as a public school partnership,  
20 independent public school, or the former employee pays one hundred  
21 percent of the cost of his or her continued participation. If the  
22 voters in a reformed public school district vote to return the district  
23 to a non-reformed district, every certified teacher who taught in the  
24 district in the school year immediately before it became a reformed  
25 public school district shall have the right to resume his or her  
26 employment with the district without any loss of salary, benefits or  
27 seniority. Any years devoted by a teacher to teaching at a public  
28 school partnership or independent public school shall be considered  
29 equal to years teaching as an employee of the district.

30 NEW SECTION. **Sec. 21.** DEFINITIONS. Unless the context clearly  
31 requires otherwise, the definitions in this section apply throughout  
32 this chapter.

33 (1) "Certificated teacher" means any teacher who is currently  
34 certificated as qualified to teach at any publicly funded school in  
35 Washington by the state board of education, whether or not the person  
36 may also be an administrator.

(2) "Education credits" means the monthly allocations of federal, state, and local funds.

(3) "Low-income students" means those students who qualify for assistance under a federally subsidized school meal program or who live in families whose most recent calendar year adjusted gross income was less than one hundred fifty percent of the federal poverty line, or who have met either criteria during any of the last three school years.

(4) "Parent" and "parents" means that person or those persons who have legal or effective custody of a child, including without limitation, a court-appointed guardian. In appropriate cases, a court of competent jurisdiction may also appoint a guardian solely for the purpose of exercising the parental choice of selecting among the publicly funded schools in reformed public school districts.

(5) "Special needs students" means those students who, because of a handicapping condition or other special need, qualify a public school district or reformed public school district for extra state and/or federal funds.

(6) "Superintendent" means the superintendent of a public school district or a reformed public school district.

(7) "Superintendent of public instruction" means the person holding the office created in Article III, section 22 of the Washington state Constitution.

**NEW SECTION.**     **Sec. 22.**     IMPLICIT REPEAL OF STATUTES AND RULES IN CONFLICT. For purposes of judicial interpretation, all state and local laws and rules in existence on the effective date of this act that are inconsistent with this chapter are hereby implicitly repealed or modified to the extent necessary to resolve the inconsistency.

**NEW SECTION.**     **Sec. 23.**     SUPPLEMENTAL RULES. This chapter is self-executing. However, the state board of education, the superintendent of public instruction, the educational service districts, local school boards, and local school district superintendents shall use their best efforts to facilitate the successful implementation of the letter and intent of this chapter. To that end, the superintendent of public instruction, the state board of education, the local school boards, and/or the local school district superintendents may take actions and/or issue rules, in the manner provided by law, for purposes of facilitating the successful

1 implementation of this chapter, including routine audits of public  
2 school partnership and independent public school records and operations  
3 for purposes of monitoring compliance with this chapter. Any delay in  
4 issuing rules or performing any other duty created in this chapter  
5 shall not be used to justify any delay in implementing this chapter.

6 NEW SECTION. **Sec. 24.** ANTI-KICKBACK CLAUSE. (1) Any person who  
7 knowingly pays or offers to pay, directly or indirectly, a kickback to  
8 any parent in return for enrolling the parent's child in a public  
9 school partnership or independent public school is guilty of a  
10 misdemeanor punishable by up to twelve months of imprisonment and a  
11 fine of ten thousand dollars or ten times the amount of the kickback,  
12 whichever is greater.

13 (2) If the person who violated subsection (1) of this section is a  
14 certificated teacher, his or her teacher certification shall be revoked  
15 permanently.

16 (3) Any parent who knowingly requests and receives, directly or  
17 indirectly, a kickback in return for enrolling his or her child in any  
18 public school partnership or independent public school, is guilty of a  
19 misdemeanor punishable by a fine of one thousand dollars or ten times  
20 the amount of the kickback, whichever is greater.

21 NEW SECTION. **Sec. 25.** APPLICABILITY OF CONSUMER PROTECTION ACT.  
22 The operation of public school partnerships and independent public  
23 schools is a matter affecting the public interest for the purpose of  
24 applying chapter 19.86 RCW. Any person who is injured by an unfair or  
25 deceptive act or practice in connection with a public school  
26 partnership or independent public school including but not limited to  
27 fraud, misrepresentation, monopolization, or attempted monopolization,  
28 is entitled to all of the remedies provided by the consumer protection  
29 act, chapter 19.86 RCW, including, without limitation, the treble  
30 damages and attorneys' fees provided in chapter 19.86 RCW. The  
31 legislature shall, if appropriate, enact additional civil and criminal  
32 penalties for persons who engage in unfair or deceptive conduct in  
33 connection with the operation of public school partnerships or  
34 independent public schools.

35 NEW SECTION. **Sec. 26.** BINDING ARBITRATION OF DISPUTES. (1) If a  
36 reformed public school district and a public school partnership and/or

1 independent public school cannot agree on what constitutes a reasonable  
2 rent or any other issue, either party may initiate a binding  
3 arbitration before an arbitrator appointed by the presiding judge of  
4 the local superior court. Each side shall submit in writing its final  
5 offer at least fourteen calendar days before the arbitration hearing.  
6 The arbitrator's authority is limited to choosing between the proposed  
7 monthly rent or other resolution of the dispute submitted by one side  
8 or the other, and the prevailing party shall recover from the other all  
9 of its reasonable costs of arbitration, including attorneys' fees and  
10 expert witness fees. The decision of the arbitrator is final with  
11 respect to the school year at issue. The superior court shall enter  
12 judgment on the award at the request of either party in accordance with  
13 RCW 7.04.150.

14 (2) Disputes between an independent public school or applicant and  
15 the superintendent of public instruction concerning the issuance or  
16 renewal of a license to operate an independent public school shall be  
17 resolved in accordance with subsection (1) of this section.

18 NEW SECTION. **Sec. 27.** Both public school partnerships and  
19 independent public schools may accept donations from any interested  
20 person or entity. These donations may or may not be tax deductible for  
21 federal income tax purposes, depending on whether the recipient holds  
22 a current tax exempt status under 26 U.S.C. Sec. 510(c)(3) or  
23 otherwise.

24 NEW SECTION. **Sec. 28.** CAPTIONS NOT LAW. Captions used in this  
25 act do not constitute any part of the law.

26 NEW SECTION. **Sec. 29.** Sections 1 through 28 of this act shall  
27 constitute a new chapter in Title 28A RCW.

28 NEW SECTION. **Sec. 30.** By September 1996, the house of  
29 representatives and senate committees on education shall develop and  
30 recommend legislation to bring Title 28A RCW into compliance with this  
31 act.

32 NEW SECTION. **Sec. 31.** If any provision of this act or its  
33 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other  
2 persons or circumstances is not affected.

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